

VARAS, S.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 12/20/05

JONATHAN MINTZ, Acting Commissioner of the
Department of Consumer Affairs of the City of New York,
and the CITY OF NEW YORK,

Plaintiffs,

05 CV 7100 (KMK)

("Action 1")

-against-

NEXTEL COMMUNICATIONS, INC

Defendant.

----- x

----- x

JONATHAN MINTZ, Acting Commissioner of the
Department of Consumer Affairs of the City of New York,
and the CITY OF NEW YORK,

Plaintiffs,

05 CV 7130 (KMK)

("Action 2")

-against-

SPRINT SPECTRUM, L.P.

Defendants.

----- x

----- x

SPRINT-NEXTEL CORPORATION,

Plaintiff,

05 CV 7812 (KMK)

-against-

("Action 3")

JONATHAN MINTZ, Acting Commissioner of the
Department of Consumer Affairs of the City of New York,
and the CITY OF NEW YORK

Defendants.

----- x

PROPOSED SCHEDULING ORDER

WHEREAS, at a December 1, 2005 conference with the Court regarding the above-referenced matters, the Court directed that the parties prepare a proposed discovery scheduling order; and

WHEREAS, the parties have discussed what they believe to be a realistic schedule for the completion of discovery, recognizing that there may be a need to apply to the Court for modification of the schedule at a later date;

NOW, THEREFORE, the parties hereby propose the following schedule:

1. First Requests for Interrogatories and Production of Documents may be served at any time after service of the Fed. R. Civ. Pro. 26(a) initial disclosures. Responses will be served as set forth in the Federal Rules. In addition, the parties propose that Local Rule 33.3 be modified so as to allow the parties to propound Interrogatories on subjects outside of those listed in the Rule, including but not limited to Interrogatories regarding the substance of the allegations set forth in the complaints and answers, as well as other matters at issue in these actions.
2. Subsequent requests for Interrogatories and Production of Documents may be served if necessary.
3. Fact depositions will be conducted, if necessary, after the exchange of written discovery.
4. All fact discovery shall be completed by April 28, 2006.
5. Expert discovery, if necessary, shall be conducted as follows, however, nothing set forth herein shall be construed to suggest that any of the parties has waived its right to object to the propriety of expert discovery in this case:
 - a. Expert reports shall be served by May 12, 2006.

b. Rebuttal expert reports shall be served by May 26, 2006.

c. All expert discovery shall be completed by June 9, 2006.

6. A status conference shall be held on June 16, 2006 at noon. At that conference the Court shall, if appropriate, set a schedule for the submission of a motion(s) for summary judgment and/or set a time for the filing of a Joint Pretrial Order.

7. It is further ordered that the three actions in the caption are to be consolidated into one action (05-cv-7100).
(05-cv-7100)
(05-cv-7130)
(05-cv-7812)

Dated: New York, New York
December 8, 2005

COLLIER SHANNON SCOTT PLLC
3050 K Street N.W.
Washington, D.C. 20007
(202) 342-8505

MICHAEL A. CARDOZO
Corporation Counsel of the
City of New York
100 Church Street, Room 5-188
New York, New York 10007
(212) 788-1035

FRANKFURT KURNIT KLEIN & SELZ,
P.C.
488 Madison Avenue
New York, NY 10022
(212) 980-0120

Attorney for Mintz and City of New
York

Attorneys for Sprint Nextel Corporation

By: [Signature]
Edward H. Rosenthal (EHR 8002)

By: [Signature]
Sheryl R. Neufeld (SK 2728)
Assistant Corporation Counsel

SO ORDERED:

[Signature]
KENNETH M. KARAS, U.S.D.J.
12/15/05